

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MEMORIAL HERMANN HEALTH	§	
SYSTEM	§	
	§	CIVIL ACTION
vs.	§	
	§	NO. 13-1280
COASTAL DRILLING COMPANY, LLC	§	
EMPLOYEE BENEFIT TRUST and	§	
COASTAL DRILLING	§	

NOTICE OF REMOVAL

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendants, Coastal Drilling Company, LLC Employee Benefit Trust ("the Plan") and Coastal Drilling, remove to this Federal Court the State Court action described below.

1.

Plaintiff, Memorial Hermann Health System ("the Hospital"), commenced this action in the 281st Judicial District Court of Harris County, Texas by serving "Plaintiff's Original Petition" upon Defendants on April 15, 2013. The docket sheet and all executed process, pleadings and orders from the State court are attached to this Notice as Exhibit 1.

2.

The Hospital alleges that the Plan is an employee welfare benefit plan, as defined by the Employee Retirement Income Security Act of 1974 ("ERISA"), and Coastal Drilling is the Plan's sponsor and administrator. (Petition, at ¶¶ 9, 21.)

3.

The Hospital alleges that it provided hospital care and treatment to a Plan participant, (Petition, at ¶ 9), and submitted a bill for such care and treatment to the Defendants, (Petition, at ¶ 14), but the Defendants paid only a portion of the Hospital's charges (Petition, at ¶ 13).

4.

The Hospital alleges that the Defendants are liable to pay the charges because the patient is a participant in the Plan. (Petition, at ¶ 9.)

5.

The Hospital states that this action to recover benefits under the terms of the ERISA Plan arises under ERISA pursuant to 29 U.S.C. § 1132(a)(1)(B). (Petition, at ¶ 21.)

6.

Because this action involves a claim to recover benefits allegedly due under a welfare benefit plan governed by ERISA, this Court has original jurisdiction pursuant to 28 U.S.C. § 1331 and 29 U.S.C. § 1132.

7.

Removal of this action to the Federal district court is proper because the district courts have federal question jurisdiction over this action. 28 U.S.C. §§ 1441(a); 28 U.S.C. § 1331; and 29 U.S.C. § 1132.

8.

Removal to this Court is proper because this is the Federal district court in the district and division embracing Harris County. 28 U.S.C. § 1441(a).

9.

Removal is timely because this notice is filed within 30 days after Defendants received a copy of Plaintiff's Original Petition. 28 U.S.C. § 1446(b)(1).

WHEREFORE, Defendants, the Plan and Coastal Drilling, pray that the 281st Judicial District Court of Harris County, Texas proceed no further with Cause No. 2013-18125, and that said action be removed from said court to the United States District Court for the Southern District of Texas, Houston Division.

Respectfully submitted,

LEWIS BRISBOIS BISGAARD & SMITH, L.L.P.

/s/ *Sarah M. Davis* /s/
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COASTAL DRILLING COMPANY, LLC
EMPLOYEE BENEFIT TRUST AND COASTAL
DRILLING**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Notice of Removal has been forwarded via Certified Mail, Return Receipt Requested, on this the 2nd day of May, 2013 to the following:

Lynne Sassi
Sullins, Johnston, Rohrbach & Magers
3200 Southwest Freeway, Suite 2200
Houston, Texas 77027

Via CMRRR 7004 2510 0004 4763 0892

/s/ Sarah M. Davis/

SARAH M. DAVIS